

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(beaven01.002)

Applicant: Douglas F. Beaven, et al. **Confirmation No:** 1530
Application No: 10/765,424 **Group Art Unit:** 3623
Filed: 1/27/04 **Examiner:** Deshpande, Kalyan K.
Title: *System for performing collaborative tasks*

Commissioner for Patents
 Alexandria, VA 22313-1450

Submission for a pre-appeal-brief conference

Summary of the prosecution

Applicants filed an RCE in the above application on 8/7/2006. The only independent claim in the application as it presently stands is claim 37. A non-final Office action was mailed 11/30/2006 in which claim 43, a dependent Beauregard claim, was rejected under 37 C.F.R. 1.745(c) as an improper dependent claim, and all claims were rejected under 35 U.S.C. as obvious over the combination of a new reference, U.S. patent 6,157,915, Bhaskaran, et al., *Method and apparatus for collaboratively managing supply chains*, filed Aug. 7, 1998 and issued 12/5/2000 (henceforth "Bhaskaran"), and Official Notice. In a response mailed 2/23/2007, Applicants traversed the rejections. In a final Office action mailed 5/14/2007, Examiner persisted in his rejections. Applicants attempted to arrange an after-final interview but were told that it was not the practice of GAU 3623 to grant such interviews. Under these circumstances, Applicants' only remedies are appeal and a pre-appeal brief conference request. Applicants believe that in the present case, the issues are sufficiently clear to be dealt with in the pre-appeal brief conference. Hence, the following *Submission*, in which Applicants are again traversing Examiner's rejections.

Traversal of the rejections

What Applicants are claiming

To aid the Conferees in their understanding of Applicants' invention, Applicants are here providing a copy of the only independent claim, claim 37, to which reference numbers and other information has been added which indicate where disclosures of the claim limitations may be found in Applicants' Specification and Figures. The reference numbers and other information are for the convenience of the conferees only and are not intended to limit the scope of claim 37. In the reference numbers, the leftmost two digits are the number of the figure in which the referenced item first appears.

1 **37.** (new) A system for supporting management of a collaborative
2 activity by persons involved therein, the persons not being specialists in
3 information technology and the system comprising:

4 a representation (4201) of a model (4101) of the collaborative
5 activity, the representation being accessible to a processor, the model of
6 the collaborative activity including model entities (4101, 4009, 4109,
7 4013, 4015) that are organized into hierarchies (4008, 4010, 4111) and
8 provide access to information (4017) concerning the collaborative
9 activity,

10 the model entities having types including

11 a goal model entity type (4013), model entities of the type
12 representing goals and/or projects of the collaborative activity and

13 an initiative model entity type (4109), model entities of the
14 type serving to relate goal model entities across the model, and

15 the hierarchies including

16 a goal hierarchy (4011) whose members include at least
17 one goal model entity, a given goal model entity belonging to only a single
18 goal hierarchy and

19 an initiative hierarchy (4111) whose members include at
20 least one initiative model entity, each initiative model entity being capable
21 of having as children one or more initiative model entities and/or one or
22 more goal model entities from one or more of the goal hierarchies; and

23 a graphical user interface for the system (4601) which the
24 processor provides to the persons, the graphical user interface permitting a
25 person of the persons to perform operations on a model entity including
26 creating (5001), modifying (p. 20, line 20), and/or deleting (p. 20, line 30)
27 the model entity, assigning the model entity to a parent in a hierarchy
28 (4701), accessing and/or modifying the information concerning the
29 collaborative activity via the model entity (4625), and viewing model
30 entities in a hierarchy of the hierarchies to which the model entities belong
31 (4613).

As will be seen from FIG. 42, the "representation of a model" is a set of database tables which contain entries that represent the model shown in FIG. 41. The entries in the database tables represent the model entities, organize them into hierarchies, and provide access to information associated with the model entities. The types of entities and the types of hierarchies are discussed at page 25, lines 7-21 and page 28, line 9-page 29, line 10. FIG. 46 is an overview 4601 of the GUI used in Applicants' invention; as can be seen there and in FIG. 50, GUI 4601 displays the model entities in their hierarchical relationships at 4613 and permits the claimed operations on the entities, as shown at the cited figures and reference numbers.

The disclosure of Bhaskaran

What Bhaskaran discloses is well described in the patent's *Abstract*:

An active collaboration technology in an open architectural framework that delivers information and decision support tools in a timely, contextual and role sensitive manner to present a collaborative dynamic decision making capability to a community of role players within a supply chain process. Such a comprehensive collaborative dynamic decision making capability is made possible through the integration of the business process, the organization of role players and relevant business applications.

As can be seen from the *Abstract*, Bhaskaran does not disclose a general-purpose collaboration tool, but rather a specialized tool for managing a supply chain.

Bhaskaran's complete failure to disclose anything like what Applicants are claiming becomes immediately apparent when one thumbs through Baskaran's figures. FIG. 1 shows the supply chain, with vendors, sub assemblers, final assemblers, and distributors. There is nothing here corresponding to Applicants' claimed goal and initiative entities. Moreover, the entities of FIG. 1 are organized as a directed acyclic graph (DAG), not in hierarchies.

More importantly, all of the remaining figures but FIGs. 5 and 9 show the "active documents" which users of Bhaskaran's system employ to manage the supply chain, i.e., there is no figure in Bhaskaran that corresponds to Applicants' FIG. 42. As would be

expected from the lack of such a figure, *there is no representation of the DAG of FIG. 1 disclosed anywhere in Bhaskaran*. The reason there is no such disclosure is that Bhaskaran's system has no component which represents the DAG of FIG. 1. Bhaskaran's DAG of FIG. 1 is simply a drawing of the supply chain which is used as a guide in making the active documents of FIGs. 2-4 and 6-8 and setting up the access privileges of FIG. 5.

Further confirmation that there is no representation of the DAG of FIG. 1 can be seen in the following facts:

- The DAG is nowhere visible in the active documents of Bhaskaran's figures, i.e., there is nothing in Bhaskaran's GUI which corresponds to the display of the hierarchies of Applicants' model at 4613 in FIG. 46 and further in FIGs. 47, 50, 53-55.
- There are no operations disclosed in the active documents or elsewhere in Bhaskaran which permit the user to edit the DAG of FIG. 1.

In fact, once Bhaskaran's system and its active documents have been constructed, all users can do is use the active documents to provide information to the participants in the supply chain and use the provided information as shown in the flowchart of FIG. 9 to run scenarios concerning the supply chain.

Patentability of claim 37 over Bhaskaran and "Official Notice"

A rejection under 35 U.S.C. 103 requires that the combined references show every limitation of the claims. As demonstrated above, Bhaskaran discloses no "representation of a model", there is nothing in Bhaskaran corresponding to Applicants' goal and initiative model entity types or to the organization of the entities into goal and initiative hierarchies or to a GUI which permits the user to perform operations on model entities including creating, modifying, or deleting the entity, assigning the model entities to hierarchies, or viewing the model entities in their hierarchies. Because Bhaskaran discloses none of the above, Examiner's rejection of claim 37 as rendered obvious by Bhaskaran and "official notice" is without basis. Further, because claim 37 is the only

independent claim in the application, the rejections of the dependent claims for obviousness are equally without basis.

The objection to claim 43 as being of improper dependent form

5 Claim 43 is a dependent Beauregard claim. Applicants' attorney has been writing claims like this and having them allowed for at least 15 years now. As pointed out in Applicants' response to the Office action of 11/30/2006, the legal foundation for allowing them is the following:

10 The statutory provision governing dependent claims is 35 U.S.C. 112, fourth paragraph, which requires only that the dependent claim "contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed". Claim 43 satisfies the foregoing requirement: it refers back to claim 37 and claim 37 is further limited by
15 the fact that what is claimed is not the system of claim 37, but rather a storage device that contains code which implements the system set forth in claim 37.

Because claim 43 is permitted by 35 U.S.C 112, 4th paragraph and 37 C.F.R. 1.75(c) and the relevant MPEP provisions merely restate the statutory requirement, Examiner's
20 objection is without basis.

Conclusion

Applicants have demonstrated why Examiner's rejections of claim 37 and objection to claim 43 are without basis and consequently respectfully request that the Conferees either allow the claims as amended in the *Submission* of 8/7/06 or reopen prosecution. A
25 Notice of Appeal and the requisite fee accompany this Submission.

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